

P&A TiDBITS

LEGAL NEWS & other
Disability-Related info

August 2019



Pictured above (left to right): Shannon Buller, Executive Director of WCGDD, Jeanne A. Thobro, MA, CEO of P&A, and Sandy Root-Elledge, M.A., Executive Director of WIND.

P&A Was There!

P&A was busy in June at the Wyoming Developmental Disabilities Conference (formerly known as MEGA). Last month, Jeanne A. Thobro, M.A., CEO of Wyoming Protection & Advocacy System, Inc. (P&A), Shannon Buller, Executive Director of the Wyoming Governor's Council on Developmental Disabilities (WCGDD), and Sandy Root-Elledge, M.A., Executive Director of the Wyoming Institute for Disabilities (WIND) provided a powerful presentation at the opening session of the annual Wyoming Developmental Disabilities Conference (WDDC — formerly known as MEGA).

All have had significant connections and contributions to protecting the rights of persons with disabilities and providing important services in Wyoming. They spoke of being like a stool with three legs, each independent and also providing the needed support for each's programs to be successful, just as the legs of a stool.



P&A staff attending a thought-provoking presentation at WDDC. Pictured left to right: Angie Mason, Lee Biedleman, Lori Regnier and Connie Peterssen.



P&A staff answering questions at its table at WDDC. Lee Biedleman and Lori Regnier are pictured.

NATIONAL DISABILITY RIGHTS NETWORK

Protection & Advocacy for Individuals with Disabilities

P&A had a strong showing at this year's NDRN Annual Conference this past June in Baltimore, Maryland. Buck Gwyn, P&A's Legal Director, was part of a panel speaking on the topic of "P&A Initiated Reviews and Quick Response Checks." Last year, Congress approved protection and advocacy organizations to administer the Representative Payee Program. In addition to the Rep Payee reviews assigned in the grant awards, P&As are also tasked with completing Quick Response Checks assigned by the SSA. P&As also are expected to nominate Rep Payees for reviews based on reports of financial exploitation from the P&A's community. The session was designed to equip attendees with strategies for balancing these demands and managing the workload to ensure forward progress and long-term success for the program. Among the objectives was to apply strategies for increasing the approval rate by SSA of P&A nominated reviews. The session was reportedly very well received!



P&A representatives at the 2019 NDRN Annual Conference. Standing left to right are James Reed, a member of the P&A PAIMI Advisory Council; Kathy Flores, Board member; Shana Fitzwater; and Buck Gwyn, P&A Legal Director. Seated: Kelly Fitzwater also a member of the P&A PAIMI Advisory Council.

REMOVING BARRIERS

Accessibility NEWS

Blind Taxpayers Sue the IRS

Berkeley businesswoman Karen Rose, who is blind, was about to throw away what she thought was junk mail when a friend noticed that it was from the IRS. It turned out to be a second notice that she owed nearly \$25,000 in additional taxes. When she contacted the agency, she learned that she had also incurred an additional \$1,500 in interest and penalties because she hadn't responded to the first notice. A representative from an IRS Taxpayer Assistance Center helped her appeal the penalties when Karen explained that she couldn't read the printed letters. The appeal was denied. She has since received a check for \$77 from the agency but has heard nothing about the request she made to receive future notices in Braille or another alternative format.

Ms. Rose and two other blind taxpayers who had similar experiences, along with the National Federation of the Blind, are suing the IRS for not providing notices in alternative formats such as Braille, large print, electronic documents, or audio. They are represented by attorneys from the Baltimore law firm of Brown, Goldstein & Levy LLP and Disability Rights California, the protection and advocacy system for the state. The suit, filed in the US District Court for the Northern District of California, San Francisco Division, alleges that the IRS policy of only communicating with taxpayers via hard-copy, standard-print letters violates Section 504 of the Rehabilitation Act of 1973.

"Over forty-five years ago, Congress told federal and state governments that they must make their programs accessible to blind people, including providing information in alternative formats like Braille and audio," said Mark Riccobono, President of the National Federation of the Blind. "Today's technology makes accessible communication easier than ever, but the IRS still isn't meeting its legal and moral obligations to blind taxpayers, and this sometimes results in penalties and other hardships. We are determined to force this powerful agency to treat blind taxpayers equally as required by law."

"It's never too late to do the right thing. Through this case, the IRS now has a chance to hear from people who would willingly pay their fair share of taxes but cannot access the IRS's current print-only notice system," said Autumn Elliot, senior counsel, Disability Rights California.

Source: <https://www.browngold.com/blind-taxpayers-sue-irs>

United Spinal Association Launches Disability Etiquette Public Service Campaign to Promote Inclusion of Wheelchair Users in Society



United Spinal Association

United Spinal Association today announced the launch of a new public service campaign highlighting the organization's Disability Etiquette Booklet, which educates the public on effectively interacting with people with disabilities.

The Disability Etiquette Booklet and the related public service campaign were created to erase common misconceptions about wheelchair users and ease the awkwardness that many experience when interacting with someone with a disability for the first time.

"Raising public awareness is the first step in creating a more inclusive society and integrating wheelchair users and other individuals with disabilities into the workplace and the marketplace," said James Weisman, United Spinal's CEO.

The campaign includes animated television and radio public service announcements that highlight common social and environmental barriers wheelchair users encounter in their daily lives. United Spinal's Disability Etiquette booklet can be downloaded free of charge at <https://www.unitedspinal.org/pdf/DisabilityEtiquette.pdf>.

Source: <https://www.prnewswire.com/news-releases/united-spinal-association-launches-disability-etiquette-public-service-campaign-to-promote-inclusion-of-wheelchair-users-in-society-300866337.html>

Kroger to Pay \$40,000 to Settle EEOC Disability Discrimination Lawsuit

Jonesboro Supermarket Refused to Accommodate Disabled Employee and Unlawfully Fired Him, Federal Agency Charged

Cincinnati-based national grocery store chain Kroger will pay \$40,000 to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced in July.

According to the EEOC's lawsuit, Kroger offered Michael Haugabrook a courtesy clerk position at its Jonesboro, Georgia, store on or about March 15, 2016.

Haugabrook accepted the position and was required to attend an orientation session on March 23. Due to his visual impairment, Haugabrook requested an accommodation to complete the computer-based portion of the orientation. Kroger's management refused to accommodate him. While Haugabrook was completing the computer assessment, he was summoned to the store manager's office where he was immediately fired, the EEOC said.

In addition to the \$40,000 in monetary relief, the consent decree settling the suit requires Kroger to make significant changes to its new-hire process, including but not limited to providing employees with vision disabilities access to tools and resources such as magnification for its computer-based and written onboarding and training programs. To prevent similar discrimination against future vision-impaired employees, Kroger will educate its workforce on disability discrimination via training at its Jonesboro location. For the decree's duration, Kroger will post a notice to its employees about the lawsuit and report to the EEOC all employee requests for an accommodation under the ADA.

Source: <https://www.eeoc.gov/eeoc/newsroom/release/7-8-19a.cfm>



FOR MORE
INFO

CONTACT US

Protection & Advocacy System, Inc.

7344 Stockman Street
Cheyenne, WY 82009

(307) 632-3496

(800) 624-7648

(307) 638-0815

Voice or Relay

(Clients Only)

FAX